

S.R. 59 - By Doggett: Extending congratulations to Fred Russ.

S.R. 62 - By Doggett: Extending congratulations to Dr. Coleman de Chenar.

ADJOURNMENT

On motion of Senator Aikin the Senate at 10:55 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

SEVENTH DAY

(Tuesday, January 25, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Creighton, Moore.

A quorum was announced present.

The Reverend Henry F. Bourgeois, St. Mary's Cathedral, Austin, offered the invocation as follows:

Almighty Father, You have given us this beautiful and productive land of Texas. We come here from all parts of the state: the plains, the hill country, the valley, the coastal plain, the mountains and deserts. We come from large urban centers and sparsely populated rural areas. We come here to this state capitol as delegates of vast numbers of people who entrust to us the making of laws that will bring justice and peace for all.

As we begin another legislative day, we first of all turn our minds to You and thank You for our state and its people. We thank You for the honor of being elected, and the opportunity to serve. We acknowledge the fallibility of our judgment and turn to You for help and guidance in the tasks before us today. We ask Your blessings on our work, ourselves, our families and those we love. We ask this through Christ Our Lord. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Harris.

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Snelson.

REPORTS OF STANDING COMMITTEES

Senator Adams submitted the following report for the Committee on Administration:

S.R. 43
S.C.R. 12

Senator Kothmann, Vice-chairman, submitted the following report for the Committee on State Affairs:

S.B. 18
S.B. 93
S.B. 109
S.B. 114
S.C.R. 4 (Amended)
C.S.S.B. 95 (Read first time)

Senator Braccklein, Vice-chairman, submitted the following report for the Committee on Human Resources:

S.B. 130 (Amended)

CO-AUTHORS OF SENATE BILL 74

On motion of Senator Aikin and by unanimous consent, Senators Kothmann and Clower will be shown as Co-authors of **S.B. 74**.

CO-AUTHOR OF SENATE BILL 2

On motion of Senator Lombardino and by unanimous consent, Senator Clower will be shown as Co-author of **S.B. 2**.

NOTICE RELATIVE TO LOCAL AND UNCONTESTED CALENDAR

January 24, 1977

Hon. William P. Hobby
President of the Senate

Sir:

Pursuant to **S.R. 32**, notice is hereby given that there will be no Local and Uncontested Calendar this week.

DON ADAMS, Chairman
Administration Committee

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 334 by Jones of Harris Jurisprudence
Amending Article 44.02, Code of Criminal Procedure, 1965; providing for rights of appeal in criminal actions, and declaring an emergency.

S.B. 335 by Schwartz, Mauzy, Parker, State Affairs
Truan, Jones of Harris
Relating to rights of certain public employees and to the creation of a state employer-employee relations board, its duties and powers; repealing all laws in conflict; amending Section 2, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes); providing an effective date; and declaring an emergency.

S.B. 336 by Parker Finance
Making an appropriation to Lamar University.

S.B. 337 by Parker Intergovernmental Relations
Relating to legal representation for county officials and employees by the district attorney, county attorney, or private counsel in certain suits; amending Article 332c, Vernon's Texas Civil Statutes (Acts 1973, 63rd Legislature, page 1765, Chapter 644), and declaring an emergency.

S.B. 338 by Williams Intergovernmental Relations
Relating to the classification and promotion policies for members of police departments in cities of 1,200,000 population or more; prohibiting crossover promotions from certain classes to other classes; providing the extent of application of this Act and its relation to other laws; amending Chapter 325, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 339 by Harris Intergovernmental Relations
Enabling the creation of municipal courts of record in the City of Dallas; prescribing the jurisdiction, administration, and procedure of the courts; providing for municipal judges and other personnel of the courts; prescribing the appeals from municipal courts of record; providing an effective date; and declaring an emergency.

S.B. 340 by Adams Education
Relating to the immunity from suits of Stephen F. Austin State University; amending Section 101.18, Texas Education Code.

S.B. 341 by Mengden, Moore, Traeger Education
Relating to the rights of teacher organizations in consultation meetings with a board of trustees; amending Section 13.901, Texas Education Code.

S.B. 342 by Moore Intergovernmental Relations
Relating to the compensation of the county attorney or criminal district attorney in certain counties; amending Article 332b-1, Revised Civil Statutes of Texas, 1925.

S.B. 343 by Moore State Affairs
Relating to retirement benefits of judges who retire at or before 70 years of age; amending Subsection (a), Section 2, Chapter 99, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 6228b, Vernon's Texas Civil Statutes).

S.B. 344 by Mauzy Jurisprudence
Relating to workmen's compensation law; amending Sections 11, 12a, and 12e, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; repealing Sections 12 and 12b, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

S.B. 345 by Mauzy Jurisprudence
Relating to workmen's compensation awards; amending Subsection (a), Section 8, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, and adding Subsection (e); amending Sections 10 and 11, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; amending Section 5a, Article 8307, Revised Civil Statutes of Texas, 1925; amending Section 1, Chapter 248, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 8306a, Revised Civil Statutes of Texas); repealing Section 12, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; providing an effective date; and declaring an emergency.

S.B. 346 by Mauzy Jurisprudence
Relating to the weekly compensation benefits paid to injured employees or their beneficiaries under the workmen's compensation law; amending Subsection (a), Section 8, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, and adding Subsection (e); amending Sections 10, 11, and 12, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; providing an effective date; and declaring an emergency.

S.B. 347 by Mauzy Jurisprudence
Relating to the power of the Industrial Accident Board to order the association to make compensation and medical benefit payments in cases of emergency or impending necessity; adding Section 4a to Article 8309, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

S.B. 348 by Mauzy Jurisprudence
Relating to settlement and release of liability; and declaring an emergency.

S.B. 349 by Brooks Finance
Relating to creation of a special fund in the state treasury to be used by the Commission on Law Enforcement Officer Standards and Education in administering its powers and duties; amending Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413(29aa), Vernon's Texas Civil Statutes), by adding Section 9B; and declaring an emergency.

S.B. 350 by Brooks Human Resources
Amending Section 3.11 of Chapter 67, Acts of the 59th Legislature, Regular Session, 1965 (codified as Section 3.11 of Article 5547-203 of Vernon's Texas Civil Statutes); authorizing community centers for mental health and mental retardation services to acquire real and personal property; and declaring an emergency.

S.B. 351 by Brooks Education
Authorizing the Coordinating Board, Texas College and University System to create additional graduate medical education programs in primary care; authorizing the

Coordinating Board, Texas College and University System, to contract with state supported medical schools or hospitals in affiliation with state supported medical schools to provide services for the education and training of graduate medical students in graduate medical education programs in primary care; authorizing the Coordinating Board, Texas College and University System to compensate the medical schools or hospitals for their educational costs incurred in providing such services, which educational costs shall include salaries of the teaching physicians, clerical, maintenance and operational expenses, and compensation of the graduate medical student participating in the graduate medical education program; adding Subchapter I and a new Section 61.073 to Chapter 61, Texas Education Code; and declaring an emergency.

S.B. 352 by Mauzy

Education

Providing that boards of trustees consult with representatives of teachers and groups of auxiliary personnel employed in a school district under certain conditions; providing certain procedures to be followed in consultations between boards of trustees and representatives of teachers and groups of auxiliary personnel; providing for the selection of representatives of teachers and auxiliary personnel groups in consultations; providing the representatives selected by the teachers and auxiliary personnel groups with exclusive representation rights in certain instances; providing means for representation in consultations for boards of trustees, teachers and groups of auxiliary personnel; providing authorization for certain agreements; providing means for advisory assistance in consultations between boards of trustees and representatives of teachers and groups of auxiliary personnel; providing certain persons with the right to be heard by boards of trustees; providing that boards of trustees establish methods for effective communication with administrators; providing that this Act in no way diminish the powers of principals or superintendents as provided in Section 21.913 of the Texas Education Code; defining certain terms; repealing certain laws; and declaring an emergency.

S.B. 353 by Mauzy, Braecklein, Clower

Education

Relating to the election of members of the governing board of certain countywide community college districts from single-member trustee districts and to the dates and manner of conducting the elections; amending Chapter 130, Texas Education Code, by adding Section 130.0821; and declaring an emergency.

S.B. 354 by Clower

Natural Resources

Relating to the definition and regulation of certain public utilities; amending Section 3(c), Section 17(b), Section 26(b) and (c), Section 28(a), Section 49, Section 52(c), Section 54(a), Section 55(b), and Sections 16, 22, 50, 56, and 79, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), and repealing Sections 44 and 51.

S.B. 355 by Clower

Natural Resources

Relating to allowable legal expenses and other expenses of utility companies for rate-making purposes; amending Section 30 Article 1446(c), V.T.C.S. and declaring an emergency.

S.B. 356 by Hance

Jurisprudence

Relating to the ability of an employer to question prospective employees about their workmen's compensation record; adding Section 6 to Article 8309, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 357 by Hance Finance
Making appropriations to Texas Tech University.

S.B. 358 by Mauzy Education
Relating to financial support for instructional television services; amending and renumbering Section 21.911, Texas Education Code, as renumbered.

S.B. 359 by Truan Intergovernmental Relations
Relating to the creation, establishment, administration, maintenance, operation, and financing of the Refugio County Memorial Hospital District of Refugio County, Texas, under Article IX, Section 9, of the Texas Constitution.

S.B. 360 by Moore Natural Resources
Amending Section 4 (2) of Chapter 166, Acts of the 63rd Legislature, Regular Session, as amended by Chapter 143, Acts of the 64th Legislature, Regular Session (Article 1435 a, Vernon's Texas Civil Statutes) by adding a provision to said Section 4 (2) to prohibit the exercise of the power of eminent domain for the purpose of taking oil, gas, lignite, coal, sulphur, uranium, plutonium, or any mineral, whether in place, or in the process of being mined and produced, or whether mined and produced, for use in connection with the acquisition, ownership, operation and maintenance of an electric facility; providing that such prohibition shall supercede any contrary authority conferred or granted, express or implied, in or by any other statute, containing a severability clause; and declaring an emergency.

S.B. 361 by Jones of Harris Jurisprudence
Relating to the recognition of money judgments by courts of foreign countries; creating the Uniform Foreign Country Money-Judgments Recognition Act; and declaring an emergency.

S.J.R. 27 by Clower Finance
Proposing a constitutional amendment to authorize the legislature to provide for the granting of tax credits against property taxes to promote the efficient use of energy in commercial and residential structures and to require the state to reimburse local taxing jurisdictions for revenue losses resulting from the credits.

S.J.R. 28 by Jones of Taylor Finance
Proposing an amendment revising the finance provisions of the Texas Constitution; providing for transition under the revised Article VIII; and changing other provisions of the Constitution to conform to the revised Article VIII.

S.J.R. 29 by Patman Finance
Proposing a constitutional amendment relating to the budget execution authority of the governor.

S.C.R. 18 by Moore Administration
Granting Evie Wooten permission to sue the State of Texas.

S.C.R. 19 by Moore Administration
Granting Lewis and Gale Woodruff permission to sue the State of Texas.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House, was read the first time and referred to the Committee indicated:

H.C.R. 23, To Committee on Administration.

SENATE RESOLUTION 45

Senator Lombardino offered the following resolution:

WHEREAS, The 1976 San Antonio Churchill High School Charger football team has achieved the pinnacle among the more than one thousand Texas High School football programs by claiming the Class AAAA championship for the 1976 season; and

WHEREAS, The Chargers' perfect season record of fifteen victories, six of which were shut-outs, represents the ultimate example of the effectiveness of dedicated team effort in any undertaking; the team's goal of a state championship was reached with Churchill's defeat of Temple by a score of 10-0; and

WHEREAS, The unselfish devotion by each member of the Churchill team to their common goal exemplifies the strength of character and determination of which the young people of Texas are capable; and

WHEREAS, It is appropriate to acknowledge the invaluable guidance, both spiritual and athletic, provided by Charger Head Coach Jerry Comalander, Assistant Coaches Jack Peters and Jay Young, Churchill Principal Robert Geisler, and Superintendent Ivan Fitzwater; and

WHEREAS, The outstanding performance of the Charger players and coaches has brought acclaim and respect not only to the team, but equally to the Churchill High School student body, faculty, and administration, the people of San Antonio, and the citizens of the State of Texas; now, therefore, be it

RESOLVED, That the Senate of the 65th Legislature of the State of Texas congratulate the players and coaches of the Class AAAA High School State Football Champion San Antonio Churchill Chargers for their truly outstanding accomplishments, and, be it further

RESOLVED, That an official copy of this resolution be prepared for each of the coaches of the Churchill Charger football team, for Principal Robert Geisler, Superintendent Ivan Fitzwater, and for the Churchill High School, to be placed in an appropriate place in the school, in recognition of the team's success and as an expression of esteem from the Senate of the State of Texas.

LOMBARDINO
TRAEGER
KOTHMANN

The resolution was read and was adopted.

PRESENTATION OF GUEST

Senator Lombardino introduced Coach Jerry Comalander to the Members of the Senate. Coach Comalander was then presented a copy of S.R. 45.

LEAVES OF ABSENCE

Senator Snelson was granted leave of absence for the remainder of today on account of important business on motion of Senator Sherman.

Senator Traeger was granted leave of absence for the remainder of today on account of important business on motion of Senator Longoria.

Senator Santiesteban was granted leave of absence for the remainder of today on account of important business on motion of Senator Sherman.

SENATE RESOLUTION 68

Senator Mengden offered the following resolution:

S.R. 68, Requesting the Senate of the United States reject the nomination of F. Ray Marshall to be Secretary of Labor.

The resolution was read.

Senator Mengden moved that **S.R. 68** be adopted.

The motion was lost by the following vote: Yeas 7, Nays 19.

Yeas: Andujar, Hance, Harris, Jones of Taylor, McKnight, Meier, Mengden.

Nays: Adams, Aikin, Braecklein, Brooks, Clower, Doggett, Farabee, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Ogg, Parker, Patman, Schwartz, Sherman, Truan, Williams.

Absent-excused: Creighton, Moore, Santiesteban, Snelson, Tracer.

S.R. 68 was then referred to the Committee on Administration.

MEMORIAL RESOLUTIONS

S.C.R. 20 - By Brooks, Jones of Harris: Memorial resolution for Mrs. J. O. Maddox.

S.R. 70 - By Adams: Memorial resolution for Arthur Daniel "Artie" Dorrell.

S.R. 72 - By Snelson: Memorial resolution for Judge O. O. Adams.

S.R. 73 - By Snelson: Memorial resolution for Arthur T. Eudaly.

S.R. 74 - By Brooks: Memorial resolution for Dr. Ray K. Daily.

CONGRATULATORY RESOLUTIONS

S.R. 69 - By Adams: Extending congratulations to W. W. McDaniel.

S.R. 71 - By Snelson: Extending congratulations to Mrs. Ollie Badger Rollins.

ADJOURNMENT

On motion of Senator Aikin the Senate at 11:19 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory
of
Miss Ima Hogg

Senator Ogg offered the following resolution:

(Senate Concurrent Resolution 12)

WHEREAS, The State of Texas lost one of its most valuable, esteemed, and loved citizens, Miss Ima Hogg, on August 20, 1975; and

WHEREAS, The daughter of Texas' first native-born governor, James Steven Hogg, Miss Hogg was the State of Texas' foremost patron of the arts, and left behind her a cultural and historical legacy of incalculable value; and

WHEREAS, Born in Mineola, Texas in 1892, she moved to Houston at the age of 19 and was the primary force behind the establishment, creation, and continuation of the Houston Symphony Orchestra; and

WHEREAS, Recognized in 1935 by *Time Magazine* as "the empress of the symphony" she greatly encouraged the culture of Houston and Texas in bringing outstanding musical performances to the state; and

WHEREAS, She was the founder of the Hogg Foundation for Mental Health and established that organization at a time when the term "mental health" was virtually unknown, showing her to be a visionary, a philanthropist, and a humanitarian in that field; and

WHEREAS, Miss Hogg's interest in Texas history was boundless, as demonstrated by the large number of restored homes she preserved and later donated to various charitable organizations, including the Stagecoach Inn at Winedale, the old Hogg Family Home near West Columbia, the old stagecoach stop in Fayette County and the Jim Hogg Mountain Home at Rusk; and

WHEREAS, For her interest, knowledge, and contributions to our culture she was given the Texas State Historical Committee's annual award in 1967 for "meritorious service in historical preservation;" and

WHEREAS, This distinguished, dynamic, and beloved woman was active in the Texas Welfare Association, the League of Women Voters, the Daughters of the Republic of Texas, the Texas Historical Society, the Houston and River Oaks Garden Clubs, the Garden Club of America, the League of Composers, the White House Fine Arts Committee, was a member of the Houston School Board for a number of years, and was a member of many other organizations; and

WHEREAS, With her passing Texas has lost one of its most esteemed and unique citizens, and one of its shining stars; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 65th Legislature hereby honor the memory of Miss Ima Hogg and extend sympathy to members of her family and to her friends; be it further

RESOLVED, That copies of this resolution be prepared for members of her family, and that when the Senate of the State of Texas adjourns this day it do so in memory of Miss Ima Hogg.

On motion of Senator Ogg and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.